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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,210	07/24/2003	David Aaron Rivkin		4242
7590	12/05/2005		EXAMINER	
David A. Rivkin 1390 Curtis Avenue San Jose, CA 95125			CARPIO, IVAN HERNAN	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/627,210	RIVKIN, DAVID AARON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ivan H. Carpio	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10-14-2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12-16-03 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***DETAILED ACTION***

***Response to Arguments***

Applicant's arguments filed 10/14/2005 have been fully considered but they are not persuasive. Applicant argues that the claimed inventions are different, applicant also argues that the prior art (Patent # 6297548) does not read on the claimed invention because the prior art only demonstrates how components can be stacked inside of the enclosure, whereas the applicant claims how to attach and stack the enclosures, furthermore the applicant argues that the prior art does not disclose ergonomic features. With respect to the 1<sup>st</sup> argument it matters not what the reference claims so long as the disclosure reads on the applicants claimed invention. With respect to the 2nd argument, Fig. 1 demonstrates a component 14 in an enclosure 12 furthermore column 2, lines 49-53 discuss the stacking of and attaching of enclosures, also figure 1 shows the enclosures 12 are stacked thus clearly demonstrating how the enclosures are stacked. With respect to the 3rd argument, figure 1 clearly shows obtuse angles formed by elements 36 and 40, which are ergonomic features, furthermore column 2, lines 49-53 describes the enclosures' self-aligning features which add to the ergonomic nature of the enclosures.

***Claim Rejections - 35 USC § 112***

With respect to claim 5, the 112 rejection has been withdrawn due to proper amendment.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Moden (US Patent 6297548).

With respect to claim 1 Moden teaches an apparatus comprising an enclosure (Fig. 1, element 12) configured for receiving at least one electronic device (Fig. 1, element 14), wherein the enclosure includes a plurality of elements providing a means of support (Fig. 1, element 36, 38 and 40 allow for support when stacking) to means of external support (Fig. 1, the external support comes from a bottom enclosure of any of two adjacent enclosures).

With respect to claim 2 and with all the limitations of claim 1, Moden teaches an encapsulated (Fig. 1 element 14 is encapsulated by 12, also column 2 lines 39-43) electronic device.

With respect to claim 3 and with all the limitations of claim 1, Moden teaches an encapsulated electronic circuit (Fig. 1 element 26 and 28).

With respect to claim 4 and with all the limitations of claim 1, Moden teaches an encapsulated circuit board (Fig. 1 element 32).

With respect to claim 5 Moden teaches an apparatus comprising an enclosure (Fig. 1, element 12) with inter-connectible elements (Fig. 1 elements 22,36,38,40 allow for interconnection between like enclosures as shown) wherein each element means is capable of fitting with in or mating with elements of other enclosure elements (Fig. 1, Note that the any two adjacent enclosures are mated through the element means) providing connection between two enclosures.

With respect to claim 6 and with all the limitations of claim 5, Moden teaches that the inter-connectible require the orientation of the enclosure be maintained (Fig. 1 note that the stackable nature maintains the enclosure's orientation) between adjacent enclosures.

With respect to claim 7 Moden teaches and apparatus comprising an enclosure, wherein the enclosure includes ergonomic surfaces (Fig. 1 elements 36 and 40 are angled corners that not only allow for easy stacking but also reduce the sharpness of the corners).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 6903937,6373710,6356458 and 5563771 are all enclosures with circuit elements.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ivan H. Carpio whose telephone number is 571-272-8396. The examiner can normally be reached on M-R 6:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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